

REMARKS

Claim 1 remains in the application. By this amendment, Claim 1 is amended and Claims 2-20 are cancelled. Claims 14-18 have been cancelled because they are drawn to a non-elected species.

The drawings have been objected to, but this objection has been met by canceling Claims 4 and 5.

Prior to its amendment, Claim 1 stood rejected under 35 U.S.C. 102(e) as being anticipated by Muramatsu et al., U.S. Patent 6,491,290 ("Muramatsu"), which teaches an engine mount having a vacuum control which is based on vehicle running speed, shift lever position and temperature, and other parameters. The fact of the matter is however, that Muramatsu does not teach or suggest the claimed invention in which the decision whether or not to use the engine to achieve the acceleration demand by a driver mandates the decision regarding the setting of a variable engine mount, wherein the decision is made based upon the time rate of change of accelerator position, sensed gear selector position and sensed battery state of charge. Support for the amendment to Claim 1 is found in the specification, claims, and drawings of this case as originally filed.

In essence, Applicants' claimed invention is directed toward determining what the driver of the vehicle desires in terms of torque output or acceleration and then deciding, based on this, whether the engine mount should be placed in an idle or running position. In the event that the traction battery has sufficient state of charge to achieve the acceleration sought by the driver, as determined from the gear selection and time rated change accelerator position, the controller will command the mount assembly to remain in the idle mode, simply because the engine will not be started. If however, the battery has insufficient charge, controller will command the mount position to be in the running mode, in anticipation of the need to start the engine. This is set forth in Claim 1, as amended. Claim 1 is therefore in condition for allowance and should be passed to issue.

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CERTIFICATE OF MAILING

I hereby certify that the enclosed Amendment is being faxed to central fax # (703) 872-9306 addressed to Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 30th day of June, 2004.



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